



Sen. David Koehler

Filed: 3/22/2012

09700SB3213sam002

LRB097 19090 KTG 66840 a

1 AMENDMENT TO SENATE BILL 3213

2 AMENDMENT NO. _____. Amend Senate Bill 3213 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-5.12 as follows:

6 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

7 Sec. 5-5.12. Pharmacy payments.

8 (a) Every request submitted by a pharmacy for reimbursement
9 under this Article for prescription drugs provided to a
10 recipient of aid under this Article shall include the name of
11 the prescriber or an acceptable identification number as
12 established by the Department.

13 (b) Pharmacies providing prescription drugs under this
14 Article shall be reimbursed at a rate which shall include a
15 professional dispensing fee as determined by the Illinois
16 Department, plus the current acquisition cost of the

1 prescription drug dispensed. The Illinois Department shall
2 update its information on the acquisition costs of all
3 prescription drugs no less frequently than every 30 days.
4 However, the Illinois Department may set the rate of
5 reimbursement for the acquisition cost, by rule, at a
6 percentage of the current average wholesale acquisition cost.

7 (c) (Blank).

8 (d) The Department shall not impose requirements for prior
9 approval based on a preferred drug list for anti-retroviral,
10 anti-hemophilic factor concentrates, or any atypical
11 antipsychotics, conventional antipsychotics, or
12 anticonvulsants used for the treatment of serious mental
13 illnesses until 30 days after it has conducted a study of the
14 impact of such requirements on patient care and submitted a
15 report to the Speaker of the House of Representatives and the
16 President of the Senate. The Department shall review
17 utilization of narcotic medications in the medical assistance
18 program and impose utilization controls that protect against
19 abuse.

20 (e) When making determinations as to which drugs shall be
21 on a prior approval list, the Department shall include as part
22 of the analysis for this determination, the degree to which a
23 drug may affect individuals in different ways based on factors
24 including the gender of the person taking the medication.

25 (f) The Department shall cooperate with the Department of
26 Public Health and the Department of Human Services Division of

1 Mental Health in identifying psychotropic medications that,
2 when given in a particular form, manner, duration, or frequency
3 (including "as needed") in a dosage, or in conjunction with
4 other psychotropic medications to a nursing home resident or to
5 a resident of a facility licensed under the ID/DD ~~MR/DD~~
6 Community Care Act, may constitute a chemical restraint or an
7 "unnecessary drug" as defined by the Nursing Home Care Act or
8 Titles XVIII and XIX of the Social Security Act and the
9 implementing rules and regulations. The Department shall
10 require prior approval for any such medication prescribed for a
11 nursing home resident or to a resident of a facility licensed
12 under the ID/DD ~~MR/DD~~ Community Care Act, that appears to be a
13 chemical restraint or an unnecessary drug. The Department shall
14 consult with the Department of Human Services Division of
15 Mental Health in developing a protocol and criteria for
16 deciding whether to grant such prior approval.

17 (g) The Department may by rule provide for reimbursement of
18 the dispensing of a 90-day supply of a generic or brand name,
19 non-narcotic maintenance medication in circumstances where it
20 is cost effective.

21 (h) Effective July 1, 2011, the Department shall
22 discontinue coverage of select over-the-counter drugs,
23 including analgesics and cough and cold and allergy
24 medications.

25 (i) The Department shall develop a program of utilization
26 review and control for specialty drugs ~~seek any necessary~~

1 ~~waiver from the federal government in order to establish a~~
2 ~~program limiting the pharmacies eligible to dispense specialty~~
3 ~~drugs and shall issue a Request for Proposals in order to~~
4 maximize savings on these drugs. ~~The Department shall by rule~~
5 ~~establish the drugs required to be dispensed in this program.~~

6 (Source: P.A. 96-1269, eff. 7-26-10; 96-1372, eff. 7-29-10;
7 96-1501, eff. 1-25-11; 97-38, eff. 6-28-11; 97-74, eff.
8 6-30-11; 97-333, eff. 8-12-11; 97-426, eff. 1-1-12; revised
9 10-4-11.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."